

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

CIBA SPECIALTY CHEMICALS HOLDING
INC.
Patentabteilung
Klybeckstrasse 141
CH-4057 Basel
SUISSE

Date of mailing (day/month/year) 28 février 2002 (28.02.02)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference HF/2-22102/PCT /A	
International application No. PCT/EP00/09396	International filing date (day/month/year) 26 septembre 2000 (26.09.00)

1. The following indications appeared on record concerning:		
<input checked="" type="checkbox"/> the applicant	<input checked="" type="checkbox"/> the inventor	<input type="checkbox"/> the agent <input type="checkbox"/> the common representative
Name and Address GORETZKI, Ralf Berliner Allee 22B 86153 Augsburg Germany	State of Nationality DE	State of Residence DE
	Telephone No.	
	Facsimile No.	
	Teleprinter No.	
2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:		
<input type="checkbox"/> the person	<input type="checkbox"/> the name	<input checked="" type="checkbox"/> the address <input type="checkbox"/> the nationality <input type="checkbox"/> the residence
Name and Address GORETZKI, Ralf Kornstrasse 9a 86391 Stadtbergen Germany	State of Nationality DE	State of Residence DE
	Telephone No.	
	Facsimile No.	
	Teleprinter No.	
3. Further observations, if necessary:		
4. A copy of this notification has been sent to:		
<input checked="" type="checkbox"/> the receiving Office	<input type="checkbox"/> the designated Offices concerned	

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Sangeeta JAIYA

PATENT COOPERATION TREATY

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NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 23 January 2002 (23.01.02)	
International application No. PCT/EP00/09396	Applicant's or agent's file reference HF/2-22102/PCT /A
International filing date (day/month/year) 26 September 2000 (26.09.00)	Priority date (day/month/year) 05 October 1999 (05.10.99)
Applicant KVITA, Petr et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

05 February 2001 (05.02.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

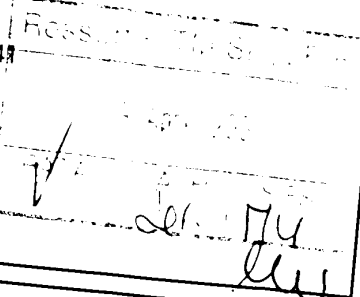
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From the INTERNATIONAL BUREAU

NOTICE INFORMING THE APPLICANT OF THE
COMMUNICATION OF THE INTERNATIONAL
APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

To:

CIBA SPECIALTY CHEMICALS HOLDING
INC.
Patentabteilung
Klybeckstrasse 141
CH-4057 Basel
SUISSE

Date of mailing (day/month/year) 12 April 2001 (12.04.01)		IMPORTANT NOTICE	
Applicant's or agent's file reference HF/2-22102/PCT /A			
International application No. PCT/EP00/09396	International filing date (day/month/year) 26 September 2000 (26.09.00)	Priority date (day/month/year) 05 October 1999 (05.10.99)	
Applicant CIBA SPECIALTY CHEMICALS HOLDING INC. et al			

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this Notice:
AU, KP, KR, US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present Notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:

AE, AG, AL, AM, AP, AT, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CR, CU, CZ, DE, DK, DM, DZ, EA, EE, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, OA, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, UZ, VN, YU.

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this Notice is a copy of the international application as published by the International Bureau on 12 April 2001 (12.04.01) under No. WO 01/25383

REMINDER REGARDING CHAPTER II (Article 31(2)(a) and Rule 54.2)

If the applicant wishes to postpone entry into the national phase until 30 months (or later in some Offices) from the priority date, a demand for international preliminary examination must be filed with the competent International Preliminary Examining Authority before the expiration of 19 months from the priority date.

It is the applicant's sole responsibility to monitor the 19-month time limit.

Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination.

REMINDER REGARDING ENTRY INTO THE NATIONAL PHASE (Article 22 or 39(1))

If the applicant wishes to proceed with the international application in the national phase, he must, within 20 months or 30 months, or later in some Offices, perform the acts referred to therein before each designated or elected Office.

For further important information on the time limits and acts to be performed for entering the national phase, see the Annex to Form PCT/IB/301 (Notification of Receipt of Record Copy) and Volume II of the PCT Applicant's Guide.

Form PCT/IB/301 (July 1996)
Geneva 20, Switzerland

Zahra

Telephone No. (41-22) 338.83.38

REC'D 16 JAN 2002

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference HF/2-22102/PCT/A	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP00/09396	International filing date (day/month/year) 26/09/2000	Priority date (day/month/year) 05/10/1999
International Patent Classification (IPC) or national classification and IPC C11D3/37		
Applicant CIBA SPECIALTY CHEMICALS HOLDING INC. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 7 sheets, including this cover sheet.
☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand

Date of completion of this report



European Patent Office
D-80293 Munich
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Fax: +49 89 2399 - 4465

Pfannenstern, H



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP00/09396

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-35 as originally filed

Claims, No.:

1-20 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP00/09396

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☒ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☐ not complied with for the following reasons:

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☐ all parts.
- ☒ the parts relating to claims Nos. 1-14,16-20 in part.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	7,20
	No:	Claims	1-6,8-14,16-19
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-14,16-20

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP00/09396

2. Citations and explanations
see separate sheet

Re item IV

The present application lacks unity within the meaning of Rule 13 PCT:

Compounds A, B and C are as defined in claim 1 of the present application.

Claim 1 of the present application is known from DE-A-19818983 (examples, claims). DE describes a method of use of fabric softening compositions in domestic applications for imparting hydrophilicity to fabrics, these compositions are aqueous and comprise A) a quaternary ammonium compound, B) polyethylene and C) dispersed polysiloxane.

WO-A-9524460 (examples, claims, pages 1,8-9) and EP-A-356210 (examples, claims pages 3-4) describe a method of use of fabric softening compositions in domestic applications for imparting hydrophilicity to fabrics. These compositions are aqueous and comprise A) a quaternary ammonium compound and C) dispersed polysiloxane.

Furthermore, EP-A-397245 (example XVIII) and EP-A-150872 (page 18) exemplify softener compositions comprising A, B and C.

The single general inventive concept of present claim 1 is therefore known.

There are, therefore, at least four (4) different groups of inventions according to the four quite different compounds B according to claim 1.

- 1) A + C + polyethylene (B1)
- 2) A + C + fatty acid alkanolamide (B2)
- 3) A + C + polysilicic acid (B3)
- 4) A + C + polyurethane (B4)

It should also be taken into account that there are four different compounds C according to claim 1, and the softening agents may be also many quite different compounds (from the quaternary ammonium compound to mineral oil) according to the description.

(In the examples of the application one softener type and B1 or B2 are used.)

Re item V

- 1) The following examination relates to group 1) A + C + polyethylene (B1).
- 2) Reference is made to the following documents:
D1 DE-A-19818983
D2 WO-A-9524460
D3 EP-A-356210
D7 EP-A-459822
- 3) D1 (examples, claims, page 4, I.22-26, page 5, I.23-25) describes a method of use of a softening composition for good water absorbency and softness in domestic applications, comprising a quaternary ammonium salt, dispersed dimethylpolysiloxane and polyethylene. Thus the subject-matter of claims 1-6,8-14,16-19 is not novel (Article 33(2) PCT).
- 4) D2 (examples I-XII, claims; pages 1,8,9) describes fabric rinse conditioner comprising 5-50% biodegradable quaternary ammonium salts and 0,2-20% dispersed polydimethylsiloxanes and derivatives such as amino silicone and ethoxylated silicones. Claim 1 differs from D2 in that claim 1 additionally comprises B1.

D3 (examples, claims, pages 3-4) describes a method for enhancing the rewettability, i.e. the hydrophilicity of fabrics, using a fabric rinse conditioner comprising a softener such as quaternary ammonium salts, long chain amines, long chain esters or long chain acids, and polyorganosiloxanes including amino derivatives. Claim 1 differs from D3 in that claim 1 additionally comprises B1.

In D1, D2 and D3 the polysiloxanes improve the fabric water absorbency and thus the rewettability of the fabrics, i.e. hydrophilicity is imparted to fabrics. The problem of the present application is, therefore, to find an alternative. The use of a compound B1 according to present claim 1 in fabric softening compositions is already known, e.g. polyethylene from D1. An effect over D1, D2

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP00/09396

The features of claims 7 and 20, the use of such compositions in form of a tumble dryer sheet is common, see e.g. D7 (claims).

Thus, the subject-matter of all claims is not inventive (Article 33(3) PCT).

- 5) Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the above documents is not mentioned in the description, nor are these documents identified therein.
- 6) It is clear from the description at page 8, I.1-3 that the dispersed polysiloxane comprises an emulsifier which is essential to the definition of the invention. Since independent claim 1 does not contain this feature it does not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.
- 7) In view of claim 1 the polyorganosiloxanes are not anionic, thus anionic on page 7, last par. has not been deleted.
According to page 20 there are hydrocarbon based fabric softeners whereas in claim 1 there are fabric softeners.
- 8) There are doubts if all the formulas at pages 16-18 are really fatty alkanolamides since the alkanol is not always situated at the nitrogen atom of the amide. This inconsistency should be removed.
- 9) The SI units have not been added at pages 25-26 (Rule 10.1 PCT).
- 10) The curing step in textile treatment usually takes several minutes and not several hours as described at page 3.

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INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference HF/2-22102/PCT/A	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/EP 00/ 09396	International filing date (day/month/year) 26/09/2000	(Earliest) Priority Date (day/month/year) 05/10/1999
Applicant CIBA SPECIALTY CHEMICALS HOLDING INC.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

FABRIC SOFTENER COMPOSITIONS

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

INTERNATIONAL SEARCH REPORT

International Application No.

PCT/EP 00/09396

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C11D3/37 C11D17/04 C11D3/12 C11D1/645 C11D1/62

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C11D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	DE 198 18 983 A (CIBA GEIGY AG) 5 November 1998 (1998-11-05) page 5; claims; examples ---	1-6, 8-14, 16-19
A	WO 95 24460 A (PROCTER & GAMBLE) 14 September 1995 (1995-09-14) page 8 -page 9; claims; examples ---	1-20
A	EP 0 356 210 A (DOW CORNING) 28 February 1990 (1990-02-28) page 3 -page 4; claims; examples ---	1-20
A	US 5 407 588 A (BUTTERWORTH ROBERT M ET AL) 18 April 1995 (1995-04-18) claims; examples --- -/--	1



Further documents are listed in the continuation of box C.



Patent family members are listed in annex

Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *1* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- *8* document member of the same patent family

*Corresponding address of the ISA

European Patent Office - Elysees Patentlaan 27
NL - 2280 HV Rijswijk
Tel: +31 (0)340 20401, 4031 601 epo.nl
Fax: +31 (0)340 30100

*Corresponding address of the ISA

Pfannenstein, H

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 00/09396

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	EP 0 133 562 A (HENKEL KGAA) 27 February 1985 (1985-02-27) page 4; claims; examples ----	1
A	EP 0 739 976 A (HENKEL KGAA) 30 October 1996 (1996-10-30) claims ----	1
A	EP 0 459 822 A (UNILEVER PLC ;UNILEVER NV (NL)) 4 December 1991 (1991-12-04) claims; examples ----	1-20
A	EP 0 397 245 A (PROCTER & GAMBLE) 14 November 1990 (1990-11-14) examples ----	1
A	EP 0 150 872 A (PROCTER & GAMBLE) 7 August 1985 (1985-08-07) page 18 -----	1

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 00/09396

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
DE 19818983	A	05-11-1998	NONE	
WO 9524460	A	14-09-1995	BR 9507056 A CA 2184898 A EP 0749469 A JP 9510263 T	02-09-1997 14-09-1995 27-12-1996 14-10-1997
EP 0356210	A	28-02-1990	US 4908140 A AU 614175 B AU 4023389 A CA 1340040 A DE 68924225 D DE 68924225 T ES 2079381 T JP 2099670 A KR 9701843 B	13-03-1990 22-08-1991 01-03-1990 15-09-1998 19-10-1995 02-05-1996 16-01-1996 11-04-1990 17-02-1997
US 5407588	A	18-04-1995	AU 633545 B AU 5050790 A BR 9000990 A CA 2011125 A,C DE 69026640 D DE 69026640 T EP 0385749 A ES 2085891 T JP 1913045 C JP 2269874 A JP 6041670 B ZA 9001609 A	04-02-1993 06-09-1990 19-02-1991 02-09-1990 30-05-1996 19-09-1996 05-09-1990 16-06-1996 09-03-1995 05-11-1990 01-06-1994 27-11-1991
EP 0133562	A	27-02-1985	DE 3329191 A ES 535089 D ES 8504913 A ZA 8406252 A	21-02-1985 01-05-1985 16-07-1985 29-05-1985
EP 0739976	A	30-10-1996	DE 19515646 A	31-10-1996
EP 0459822	A	04-12-1991	US 5064544 A US 5174911 A AU 641014 B AU 7737691 A BR 9102246 A CA 2043503 A,C DE 69116737 D DE 69116737 T ES 2084105 T JP 2095451 C JP 4257371 A JP 7122216 B KR 9507824 B ZA 9104153 A	12-11-1991 29-12-1992 09-09-1993 05-12-1991 14-01-1992 02-12-1991 14-03-1996 05-06-1996 01-05-1996 02-10-1996 11-09-1992 25-12-1995 20-07-1995 27-01-1993
			BR 9002233 A CA 2015736 A CN 1047336 A,B	13-08-1991 11-11-1990 28-11-1990

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 00/09396

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
EP 0397245 A		CN 1101071 A	05-04-1995
		DE 69016695 D	23-03-1995
		DE 69016695 T	13-07-1995
		DK 397245 T	03-04-1995
		EG 19472 A	29-06-1995
		ES 2067647 T	01-04-1995
		GR 3015030 T	31-05-1995
		IE 66114 B	13-12-1995
		JP 3033196 A	13-02-1991
		MX 172021 B	29-11-1993
		NZ 233580 A	26-03-1993
		PT 94004 A, B	08-01-1991
		TR 24664 A	01-03-1992
EP 0150872 A	07-08-1985	AT 51892 T	15-04-1990
		CA 1232412 A	09-02-1988
		DE 3577107 D	17-05-1990
		GR 850050 A	18-04-1985
		JP 2055367 C	23-05-1996
		JP 6057839 B	03-08-1994
		JP 60215099 A	28-10-1985
		MX 163030 B	05-08-1991